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THE DIRECTV GROUP, INC.
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P O BOX 956
EL SEGUNDO, CA 90245-0956

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JANVIER, JEAN D

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/492,725	ARSENAULT ET AL.
	Examiner	Art Unit	
	Jean Janvier	3622	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _18-34 and 41-67_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _18-34 and 41-47 and 48-67_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Response to Applicant's Amendments

First, the Examiner apologizes for this delayed Office Action. The last Office Action was never scanned and mailed by the Office and the Examiner could not print out another copy in real-time due to a HDD crash. Second, the present Action is based on the Applicant's response filed on January 10, 2007, but not the latest response filed on November 09, 2007 and recorded after a Final Office Action was supposed to be mailed out. Further, at the time the latest response was recorded, the Examiner was working on the claims filed on January 10, 2007.

DETAILED ACTION

Specification

Status of the claims

Claims 18-34 and 41-47 and 48-67 are currently pending in the Instant Application.

General Comments

Regarding the new amendment made to at least the independent claims, it appears that the new language, "**transmitting from the transmission site to a subscriber site advertisements, having data elements, to a subscriber site and a plurality of other subscriber sites or receivers <u>without selectively transmitting particular ones of the advertisements or advertising objects to particular ones of the receivers</u>"**, is not implicitly or explicitly supported in the specification and the Applicant fails to indicate where in the specification appropriate support can be found. In any event, the Examiner reserves the right to raise this issue in a future correspondence.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined

was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment

by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 18-34 and 41-67 are rejected under 35 U.S.C. 102(e) as being anticipated by

Hite et al., US Patent 5,774, 170A.

As per claim 18-34 and 41-67, Hite et al. disclose an enhanced television (radio)

advertising method and/or system by targeting, delivering and displaying advertisements within

specified programming, during program breaks, in pre-determined households having specific

and addressable units while preventing advertisements from being displayed in other households

(See abstract). The system comprising appropriate hardware and software (first software, second

software, third software, etc.) wherein an Ad Administration Facility having stored therein

advertisements and programs for analysis and classification and the results of this analysis and

classification are stored in databases. In addition, advertisements or commercials are received

from agencies that created them and processed them as necessary for use in the system. These

processed commercials (first group or first source of advertisements having related

objects/graphics/images and/or text), having associated CID codes **(each advertisement having**

a commercials ID or data element indicating whether or not the advertisement, when

encoded or inserted/embedded on a transmitted broadcast or data stream or programming,

should be displayed at a particular location), are constructed from information or results

stored in databases associated with the Administration Facility 100 of fig. 1 and conveyed or

transmitted to Ad Transmission Facility 200, which combines the processed commercials

and CID codes (data elements) with programming and transmits the result to a plurality of

Media Origination Facility 300 for delivery to the display site 400 (reception site(s) or

subscriber site(s)) based on local conditions (the viewer's interest) available at the

subscriber's site (location). The Media Origination Facility 300 also receives programming

and commercials from other sources (second group of commercials) and creates some

programming and commercials in its own facilities wherein these commercials and programming

are scheduled to be transmitted and displayed at the viewer's unit based on location condition

(the viewer's demographic and psychographic profile). Further, a viewer is targeted with a list

of advertisements from the first group or second group based on his profile (local

condition) and the advertisements will be displayed in a correct sequence according to a

sequencing code store at the point of viewing (subscriber's site) (fig. 1; col. 8: 63 to col. 9:

42; col. 3: 65 to col. 4: 2; col. 4: 45-51; col. 8: 29-38).

Moreover, Hite discloses, in general, a system to display advertisements or advertising

objects, stored on a set top box, on a viewer's unit or TV set based on the viewer's profile when a

break occurs during the broadcast of a TV show or a programming. The displayed

advertisements comprising text and/or audio and/or video (linked image objects or graphical

representation) formats. Additionally, advertisements are often associated with objects, such as graphical images, stored on computer readable media (See abstract; col. 3: 16 to col. 8: 43).

Further, Hite discloses a system wherein a viewer is targeted with a list of advertisements based on his profile and wherein the advertisements will be displayed in a correct sequence according to a sequencing code stored at the point of viewing (viewer's set top box). Indeed, a sequencing code would be stored at the point of display. It would be used to compute a new CID (commercial ID) code for a subsequent commercial or advertisement object. **By having a sequential CID code, viewer would see a series or list of commercials in correct order** (col. 4: 45-51).

See col. 3: 16 to col. 8: 43 for more details.

Hite also discloses an enhanced television (radio) advertising method and/or system by targeting, delivering and displaying advertisements within specified programming (transmitted data stream), during program breaks, in pre-determined households having specific and addressable units (transmitting **(same)** advertisements to a plurality of subscribers' receivers), while preventing advertisements from being displayed in other households (See abstract). A suitable process is used to target prospective viewers of a set of advertisements using database search and list selection procedures. The result of this process is a set of appropriate CID codes for the prospective viewers. These CID codes (local conditions) are transmitted, for instance, to a viewing device or receiver's unit (Set top box) where it is stored and later used to match one or more CID codes (data elements) transmitted with advertisements embedded in a programming (data stream), thereby determining if the embedded advertisement is to be stored, at least temporarily in the memory (RAM) of the set top box or subscriber's site, and subsequently

displayed at the subscriber's/viewer's site when a break in the data stream or transmitted

programming/broadcast occurs. When a match is found between the locally stored CID and the

CID (commercial ID) transmitted with the advertisement or commercial, the commercial or

advertisement is then presented to the viewer. If there is no match, then the inserted commercial

is ignored or discarded **(determining if a CID code or data element transmitted within an**

advertisement embedded in a data stream/broadcast is compatible to a local condition or

locally stored CID code, representing the viewer's interest or preference, before

temporarily storing the advertisement in the memory (cache memory) and displaying it

during a triggering event or programming or data stream break). In addition to the CID

match, the display of the advertisement is dependent on whether the frequency of display,

another local condition locally stored in the memory of then set top box (STB) or

subscriber's unit, has reached its threshold limit (Col. 3: 65 to col. 4: 33).

The system is further adapted to display advertisements stored on the set-top box

(viewer's unit or TV set or receiver's unit) based on the viewer's profile (local conditions) when a

break occurs during the broadcast of a TV show or a programming (transmitted data stream). The

displayed advertisements comprising text and/or audio and/or video (image objects or graphical

representation) formats. (See abstract; col. 3: 16 to col. 8: 43).

Hite also discloses an enhanced television (radio) advertising method and/or system by

targeting, delivering and displaying advertisements within specified programming, during

program breaks, in pre-determined households having specific and addressable units

(subscribers' sites) while preventing advertisements from being displayed in other households

(See abstract). When a match is found between the locally stored CID (local condition) and the

CID (commercial ID) or data element transmitted with an advertisement or commercial

embedded in the broadcast (data stream), the commercial is then presented to the viewer (storing

at a subscriber's site a CID or code or a local condition and comparing the locally stored CID to

a CID or data element embedded in an advertisement inserted or encoded in a transmitted data

stream or broadcast or programming and retrieving from memory (at least volatile or temporary

memory) the advertisement (or linked object/image/graphic and/or text related to the

advertisement) and the advertisement content (object) at the subscriber when there is a match

between the locally stored CID and the CID or data element embedded in the advertisement

inserted in the transmitted data stream or broadcast and when the frequency of display

corresponding to the said advertisement has not reached its maximum threshold when a break

occurs in the broadcast). If there is no match, the commercial is ignored and not displayed

(discarded) and a default advertisement in the batch of locally stored advertisements having a

low priority is considered unless it is replaced with a higher priority commercial (col. 3: 65 to

col. 4: 18).

Moreover, an unconditional preemptable commercial may be subject to substitution or

replacement whenever other higher priority commercials are available (col. 3: 55-57; col. 8: 29-

38). Advertisements are transmitted and stored locally in a viewer's unit along with suitable CIDs

to be subsequently presented to the viewer. A broadcast (transmitted data stream) with a break

to present a targeted commercial may then be transmitted with codes or CIDs in the break point.

If there is a match between the stored CIDs and the transmitted CIDs, an appropriate commercial

is presented, perhaps more than once. If a certification or registration code is included, that code

is returned upstream to the signal origination site when commercials are successfully presented.

The presented or used commercial will then be replaced with another commercial or a new commercial, which is just received and stored in the viewer's unit, thereby updating the local database or local storage medium associated with the viewer's unit and especially if the newly received advertisement has similar content as the previously viewed advertisement. Further, when there is no match between the stored CID and the received CID associated with the commercial break embedded in the transmitted program, no commercial will be displayed. However, there is always a default advertisement to be displayed. In the case of multiple matches, a prioritization programming will be employed to determine which commercials to be displayed and which ones to ignore. It is to be understood that each advertisement stored in the system to be displayed at the appropriate time has an expiration date and at the end of the expiration date, the advertisement will no longer to be displayed. In the end, the current system has the necessary hardware and software to replace a previously viewed advertisement with a newly transmitted advertisement, to ignore inappropriate advertisement and display a default one having a low priority, to select the advertisement having the highest priority in the case of multiple matches (col. 5: 39 to col. 8: 38).

Additionally, and more importantly, Hite discloses, in a first preferred embodiment of the present system and process, an individually addressable digital recording device (RD) with a unique address is installed at the display site in a television or radio receiver, VCR, display device or set-top-box or modular decoder associated with the media provider (cable, DBS, telephone, etc.). One or more commercial identifier (CID) codes (local conditions) are transmitted to and recorded by the RD or local memory of the subscriber's site or viewer's unit in advance of the commercial broadcast (advertisement transmission).

As herein described, these codes will be used to "tell" the display or viewer's unit which upcoming commercials/advertisements or (advertising objects) to store and subsequently play or display at the subscriber's site and which advertisements to ignore or discard (because they are incompatible) (Col. 5: 40-50; col. 6: 10-59).

(The latter reads on the steps of locally storing in memory at the subscriber site local conditions or CID codes, i.e. sophistication information, compatibility information, location/address information, receiving at the subscriber site advertisements/advertising objects, having linked audio, text, images, graphics components or linked image objects, transmitted from a transmission site and temporarily stored the received advertisements in RAM or cache memory at the subscriber site, wherein the received advertisements having associated CID codes or data elements embedded therewithin and wherein one or more selected received advertisements (advertising objects), forming a first group, are permanently stored in the memory at the subscriber site when there is a match between one or more previously and locally stored CIDs or local conditions and one or more CID codes or data elements inserted in the received advertisements (advertising objects) and the remaining of the transmitted/received advertisements are ignored or discarded for being incompatible or not suitable for the subscriber site and finally displaying the locally stored advertisements or first group of advertisements at the subscriber site when a break or commercial spot, having an appropriate CID code, occurs within a programming or broadcast/data stream played or displayed at the subscriber site or display unit according to a certain sequence).

In a second preferred embodiment of the present system and process, an individually addressable digital recording device (RD) or memory with a unique address (location address) is installed at the display site (subscriber site) in the television receiver, VCR, display device set-top-box or modular decoder associated with the video provider (cable, DBS, telephone, etc.). CID codes (local conditions) chosen for a particular display site (consumer site) are transmitted to and stored in an in-home storage at the display site (storing local conditions in the memory at the subscriber site). Commercials are subsequently transmitted to the in-home storage device with sufficient capacity to hold one or more commercials prior to display (transmitting and receiving advertisements at the subscriber site to be recorded in the memory or storage means for later retrieval and display based on some preset criteria). The commercials/advertisements could be in analog form, but it is more efficient of transmission and storage capacity to digitize and compress the commercials prior to transmission and storage at the subscriber site. Attached to each commercial are codes indicating the conditions and rules required to display the commercial, e.g., date, day-part, network, program context, etc. The codes (data elements) of the commercials transmitted to or received at the subscriber site are first compared to the codes previously stored in local memory or storage means (RD) at the subscriber site. The commercial or advertisement transmitted to the subscriber site or display unit that is found to match a previous CID code in the local memory is then stored in the storage means (local memory) RD at the display site (subscriber) for subsequent retrieval and display. If there is no match, then the incoming commercials or advertisements (advertising objects) will be ignored or discarded for being incompatible or not suitable for the local site

or subscriber site/display unit. Note that the CIDs (CID codes) and display rules would be

stored in a storage known as an Ad Queue in the commercial processor (local memory) at

the display unit or subscriber site. See col. 6: 60 to col. 7: 14; col. 7: 15-50.

It is herein understood that the advertisements (advertising objects having linked

images/graphics, audio and text), having CID codes or data elements embedded therein, are

transmitted from the transmission site to a plurality of subscribers' sites or display sites without

taking into consideration during the initial transmission the CIDs or codes (local conditions)

available at the Subscribers' sites (transmitting from the transmission site to a subscriber site

advertisements, having related CID codes or data elements, to a subscriber site and a plurality of

other subscriber sites or receivers without selectively transmitting particular ones of the

advertisements or advertising objects to particular ones of the receivers).

In summary, in the second preferred embodiment, predetermined codes are

transmitted to the display site/subscriber site and stored therein. Thereafter, commercials

or advertisements (advertising objects) are then sequentially transmitted to the display site

prior to the time of their intended use or display. Appropriate storage is provided at the

display site to store one or more of the commercials (a first group of

commercials/advertisements) selected by matching a commercial's CID with a locally

stored CID. Through this process, a first group of advertisements can be generated and

stored locally for later retrieval and display. Further, a broadcast with a break for a target

commercial may be transmitted with codes in the break, which triggers the retrieval and

display of the stored or the first group of advertisements based on a sequence or based on a

CID match between a break CID or code and a stored commercial/advertisement CID or

code. For instance, if a match is found, between a code in the break and a stored

commercial code or only one related commercial is stored, then the commercial is displayed

one or more times, depending on whether a frequency code is included. If a registration or

certification code is included, then that code is returned upstream to the signal origination

site or transmission site when commercials are successfully played. The commercial will

then be replaced with another. If storage for multiple commercials is provided, they are

downloaded and used appropriately (Col. 7: 35-50; col. 9: 16-20; col. 4: 46-51).

(The latter reads on the steps of locally storing in memory at the subscriber site

local conditions or CID codes, i.e. sophistication information, compatibility information,

location/address information, receiving at the subscriber site advertisements/advertising

objects, having linked audio, text, images, graphics components or linked image objects,

transmitted from a transmission site and temporarily stored the received advertisements in

RAM or cache memory at the subscriber site, wherein the received advertisements having

associated CID codes or data elements embedded therewithin and wherein one or more

selected received advertisements (advertising objects), forming a first group, are

permanently stored in the memory at the subscriber site when there is a match between

one or more previously and locally stored CIDs or local conditions and one or more CID

codes or data elements inserted in the received advertisements (advertising objects) and the

remaining of the transmitted/received advertisements are ignored or discarded for being

incompatible or not suitable for the subscriber site and finally displaying the locally stored

advertisements or first group of advertisements at the subscriber site when a break or

commercial spot, having an appropriate CID code, occurs within a programming or

broadcast/data stream played or displayed at the subscriber site or display unit according

to a certain sequence).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

**(b) the invention was patented or described in a printed publication in this or a
foreign country or in public use or on sale in this country, more than one year prior
to the date of application for patent in the United States.**

Claims 18-34 and 41-47 and 56-67 are rejected under 35 U.S.C. 102(b) as being

anticipated by Park, US Patent 5,627,549A.

As per claims **18-34 and 41-47 and 56-67,** Park discloses a method and system for

distributing time sensitive and location-oriented advertisements and other information to a

user or an operator of a mobile unit or mobile vehicle 10 of fig. 1 based on the location or

position of the moving or mobile vehicle 10 (mobile unit) and the presence of an advertiser's

or retailer's shop in the vehicle path or road network 12 of fig. 1, wherein an information

device or receiver 40 located in the vehicle 10 is used by the user or operator of the vehicle to

receive the broadcast or play or display advertisements, comprising voice broadcast 22 along

with associated data or message 26, transmitted by a radio broadcast system 20 or central

facility. First, the advertisements are received from subscribers (advertisers) by the radio

broadcast system 20 or central facility (transmission site) to be aired or played (broadcast 22)

and simultaneously transmitted (broadcast 26) and subsequently received, in the form of

voice broadcast or audible signal 22 and corresponding textual data 26, by the user of moving

vehicle 10 or mobile unit via receiver or vehicle information device 40 for permanent storage

and later retrieval for play and display depending on the location of the moving vehicle 10

and when (schedule or time) the advertisements (advertising objects having linked text, audio

and image/graphics component), that is audible signal 22 and related data 26, are to be

broadcast or played and/or displayed to the operator of mobile vehicle 10 on display screen 1

00a of the vehicle information device or receiver 40 (subscriber site). Second, generally

speaking, user or operator of vehicle 10 travels to and from specific geographic points of

interest 14a-14d within road network 12 of fig. 1 wherein local advertisers' or retailers' shops

are located. A plurality of advertisements representing local advertisers are associated with

several different positions within road network 12 wherein these advertisements are

transmitted by radio broadcast 20 in the form of voice broadcast 22 and corresponding

messages 26 to receiver or information device 40 in vehicle 10, which constructs and

maintains or stores information specific to the user and messages 26 or advertising messages

as selected for later reference or retrieval by the user who makes use of the messages or

advertising messages 26 based on the current position of vehicle 10 and the time of the day

(storing received or broadcast advertisements in a second storage or memory of the mobile

unit or vehicle 10 information device 40 for later retrieval based on location information and

time or schedule information associated with an appropriately retrieved advertising message

or broadcast 26).

Further, previously stored data records including advertising data records 26

selected or displayed by the user, in a database associated with the information device

40, allow tracking of travel information and data records for particular geographic

points of interest to the user. In general, information device 40 monitors or filters the

stream of incoming data 26 provided in conjunction with voice broadcast 22

(advertisements) and compares (evaluates) location information or geographic points of

interest, stored in memory of user's device 40 of the mobile vehicle 10, to the current

vehicle position to collect all references or data records including advertisements within a

given distance of current vehicle location or position. In addition, the user can establish a

category of interest or another attribute or taste or criterion, such as auto parts

advertisements, restaurant advertisements, sporting event or other keyword or category

or keyword vector, besides the user's geographic point of interest 14a-14d (user's

personal preference or local conditions), wherein this attribute or taste is used to filter or

further evaluate incoming stream data or information available in voice data broadcast

22 (advertisements or advertising objects having data elements or content) and

automatically store in permanent storage at the subscriber site (device 40) the customized

or relevant advertisements based on this filtering process. This filtering or evaluation

process continues for each incoming data broadcast 26.

(Reading on the steps of locally storing in memory at the subscriber site or device 40

category of interest or another attribute or taste or criterion, such as auto parts

advertisements, restaurant advertisements, sporting event or other keyword or category or

keyword vector, the user's geographic point of interest 14a-14d (local conditions), receiving

at the subscriber site incoming advertisements/advertising objects, having linked audio,

text, images, graphics components, transmitted from a transmission site or radio broadcast

system 20 and temporarily stored the received advertisements in RAM or cache memory at

the subscriber site, wherein the received advertisements having data elements or content

and wherein one or more selected received advertisements (advertising objects), forming a

first group, are permanently stored in the memory at the subscriber site when there is a

match between one or more previously and locally stored user's criteria or local conditions

and one or more data elements or content inserted in the received advertisements

(advertising objects) and the remaining of the transmitted/received advertisements are

ignored or discarded for being incompatible or not suitable for the subscriber site and

finally playing or displaying the locally stored advertisements or first group of

advertisements at the subscriber site or device 40 when the user travels in specific locations

of interest according to a certain sequence or the user's travel path (played or displayed

advertisement changes as the position of the vehicle within the geographic location of

interest varies)).

(See abstract; figs.1-7; see claims 1-2 of the current reference; col. 2: 2-35; col. 3: 1-18;

col. 3: 49-67; col. 4: 19-57; col. 5: 55 to col. 6: 16; col. 6: 41 to col. 7: 10; col. 7: 32-58; col. 8:

18-43; col. 8: 52 to col. 9: 10; col. 9: 48-63; col. 9: 64 to col. 10: 14; col. 10: 43-56).

In one alternate embodiment, Park discloses a system for automatically gathering (or the

user can initiate the collection) and storing, in information device 40 of the mobile unit or mobile

vehicle 10 for later retrieval, information including advertising messages received from the

broadcast source based upon the user's or the operator's of the vehicle 10 or mobile unit

designated criteria or preference, as discussed above, wherein an appropriate advertising is

selected or retrieved from the local storage for display on the screen of the information device 40

coupled to the vehicle 10 when the vehicle 10 enters at a specific time (as read from a time

scheduler in device 40) a geographical location of interest such as a location associated with the

advertiser of the advertising message, as determined by processor 60 corresponding to the

information device 40 (Automatically filtering and storing information based on the user's

preference or storing the information at the request of the user is considered as an implicit

request or an indication that the user wants to read the said information including advertising at a

later time when the vehicle 10 enters at a specific time, as read from a time scheduler in device

40, a geographical location of interest such as a location associated with the provider or

advertiser of the said or advertising message, as determined by processor 60- fig. 5; col. 8: 45 to

col. 9: 32).

It should also be understood that the radio broadcast facility 20 or radio broadcast system

20 or central facility receives from advertisers or subscribers an advertising subscription

including both voice advertising for presentation in voice broadcast 22 and message information

for presentation in the data broadcast 26. The broadcast system 20 or central facility first

transmits to information device 40 the text message information and location information in data

broadcast 26 followed by transmission of the voice presentation in voice broadcast 22 (col. 9: 48-

63). Here, it is further understood that the text broadcast 26 and voice broadcast 22 (data related

to audio or broadcast advertisements) or advertisements received from advertisers or subscribers

are stored in a central repository or database, related to broadcast system 20 or central facility,

for later transmission and/or broadcast to information device 40 of vehicle 10 for storage for later

retrieval and display contingent upon the user's preference criteria, travel location of interest and

the presence of advertisers in the vehicle travel path. Moreover, advertising data (broadcast 26)

comprise advertising messages, advertisers' locations and the time of display (See claims 1-2 of

the current reference).

In a further embodiment, Park discloses a system wherein a user or operator of mobile

vehicle 10 can interact with an advertisement aired and transmitted (synchronized broadcast 22

and 26) by pressing the **where button 102(f)** in the front panel of information device 40 inside

the mobile vehicle 10, which indicates to the microprocessor 60 of device 40 that the driver or

operator desires to collect or to receive further information, such as the advertiser's name,

address or location and so forth, from the broadcast 22 or transmitted or aired or played

advertisement and wherein the requested information is displayed to the operator on the device

40 screen 100a as shown in fig. 3. **Furthermore,** by pressing stored information button 102g, the

user can search a local database or customized local database of the device 40 storing data

records for each geographic point of interest to the user including records associated with

selective display of previously stored advertisements (activity log file), such as records related to

the advertisement recently broadcast or just aired by broadcast system 20 and displayed on the

vehicle information device 40 screen 100a following a request for more information by the user.

In other words, the user constructs a personal reference tracking travel information comprising

data records for particular geographic points of interest, data records selected, related to one or

more displayed or aired advertisements, by the user and of interest to the user, thereby creating a

user profile or user pattern based on the stored data records of geographic points of interest to the

user and stored data records of previously selected or displayed advertisements and/or requests

from the user for further information in response to currently played advertisements or

broadcasts. Here, the user's request for more information in response to the playing of a

synchronized broadcast, that is voice and text data, is similar to displaying text data related to the

advertisement (see fig. 3). (Read on creating an activity log of displayed advertisements and

creating a user's pattern or user's profile using the activity information and the user's request or

simply creating a user pattern using data from the local customized database). (See Col. 6: 41-

65; col. 6: 66 to col. 7: 11; col. 8: 34-51; figs. 3-6; see claims 1-2 of the current reference).

The user can discard an information or advertising message stored in memory or in RAM during

or following a broadcast from system 20 or the system is operable to allow the user to delete,

based upon some criteria, a record related to an information or advertising message stored in

permanent memory of device 40, wherein the storage of such record was a request or an

indication to retrieve and display the information at a later time when vehicle 10 corresponding

to device 40 is detected at a location matching a geographical location of interest to the user, that

is a location associated with the provider of the information (canceling a request according to

certain conditions or criteria-Col. 9:19-47).

**Further, in one aspect, Park discloses a method for providing specific time and
location sensitive advertising information to a moving vehicle 10, said specific time and
location sensitive advertising information (marketing memo) being selected from a large
body of incoming advertising information including a large number of records, broadcast
from radio broadcast system 20, each record including a specific time and location sensitive
advertising information. Here, the method comprising the steps of transmitting, from said
radio broadcast system 20, to said vehicle 10 by radio time said large body of advertising**

information, receiving at said vehicle 10 said large body of advertising information,

determining, at a specific time, by a coupled GPS receiver the location of said vehicle 10

traveling a long path and selecting one of said records for display on display screen 100a of

fig. 3, said selection being at least in part based on the time of day and upon the current

location of said vehicle (matching a geographic location of interest to the operator of

vehicle 10 or matching the location sensitive of the selected data record). See claim 1 of the

current reference. In another aspect, Park discloses a method of providing time and

location sensitive advertising information (marketing memo) to the operator of a moving

vehicle 10, the method comprising the steps of receiving at vehicle 10, from radio broadcast

system 20, multiple data records by radio signal, each data record containing time of day

information and location sensitive advertising information, storing a subset of said data

records (memo), selected or inputted by the operator of vehicle 10, and geographic

locations of interest in the memory of device 40 coupled to the vehicle 10 (inputting data

records and geographic locations of interest to the operator of vehicle 10 in the memory of

portable device 40), calculating or determining, by a GPS coupled thereon, a current

location for said vehicle, selecting or retrieving for display on display screen 100a of fig. 3

one of said stored data records (advertising information or marketing memo), having a

time of day information and location specific advertising information, based on the time of

day information and present location of vehicle 10, as determined by an associated GPS

receiver, matching an inputted/stored geographic location of interest or the location

specific information in the selected data record and displaying the selected data record

containing the time of day information and location specific information when the present

location of vehicle 10 matches a geographic location of interest or the specific location data related to the advertising information related to the selected data record (See claims 1 and 2). See also col. 5: 27-32; col. 8: 34 to col. 9: 47; col. 9: 64 to col. 10: 56; fig. 1.

Response to Applicant's Arguments

First, Applicant's arguments with respect to at least the independent claims have been considered but are moot in view of the new ground(s) of rejection. In other, the Applicant's arguments are fully addressed above.

Second, contrary to the Applicant's arguments, Hite discloses, in a first preferred embodiment of the present system and process, an individually addressable digital recording device (RD) with a unique address is installed at the display site in a television or radio receiver, VCR, display device or set-top-box or modular decoder associated with the media provider (cable, DBS, telephone, etc.). One or more commercial identifier (CID) codes (local conditions) are transmitted to and recorded by the RD or local memory of the subscriber's site or viewer's unit in advance of the commercial broadcast (advertisement transmission). As herein described, these codes will be used to "tell" the display or viewer's unit which upcoming commercials/advertisements or (advertising objects) to store and subsequently play or display at the subscriber's site and which advertisements to ignore or discard (because they are incompatible) (Col. 5: 40-50; col. 6: 10-59).

(The latter reads on the steps of locally storing in memory at the subscriber site local conditions or CID codes, i.e. sophistication information, compatibility information, location/address information, receiving at the subscriber site advertisements/advertising objects,

having linked audio, text, images, graphics components or linked image objects, transmitted

from a transmission site and temporarily stored the received advertisements in RAM or cache

memory at the subscriber site, wherein the received advertisements having associated CID codes

or data elements embedded therewithin and wherein one or more selected received

advertisements (advertising objects), forming a first group, are permanently stored in the

memory at the subscriber site when there is a match between one or more previously and locally

stored CIDs or local conditions and one or more CID codes or data elements inserted in the

received advertisements (advertising objects) and the remaining of the transmitted/received

advertisements are ignored or discarded for being incompatible or not suitable for the subscriber

site and finally displaying the locally stored advertisements or first group of advertisements at

the subscriber site when a break or commercial spot, having an appropriate CID code, occurs

within a programming or broadcast/data stream played or displayed at the subscriber site or

display unit according to a certain sequence).

In a second preferred embodiment of the present system and process, an individually

addressable digital recording device (RD) or memory with a unique address (location address) is

installed at the display site (subscriber site) in the television receiver, VCR, display device set-

top-box or modular decoder associated with the video provider (cable, DBS, telephone, etc.).

CID codes (local conditions) chosen for a particular display site (consumer site) are transmitted

to and stored in an in-home storage at the display site (storing local conditions in the memory at

the subscriber site). Commercials are subsequently transmitted to the in-home storage device

with sufficient capacity to hold one or more commercials prior to display (transmitting and

receiving advertisements at the subscriber site to be recorded in the memory or storage means for

later retrieval and display based on some preset criteria). The commercials/advertisements could

be in analog form, but it is more efficient of transmission and storage capacity to digitize and

compress the commercials prior to transmission and storage at the subscriber site. Attached to

each commercial are codes indicating the conditions and rules required to display the

commercial, e.g., date, day-part, network, program context, etc. The codes (data elements) of the

commercials transmitted to or received at the subscriber site are first compared to the codes

previously stored in local memory or storage means (RD) at the subscriber site. The commercial

or advertisement transmitted to the subscriber site or display unit that is found to match a

previous CID code in the local memory is then stored in the storage means (local memory) RD

at the display site (subscriber) for subsequent retrieval and display. If there is no match, then the

incoming commercials or advertisements (advertising objects) will be ignored or discarded for

being incompatible or not suitable for the local site or subscriber site/display unit. Note that the

CIDs (CID codes) and display rules would be stored in a storage known as an Ad Queue in the

commercial processor (local memory) at the display unit or subscriber site. See col. 6: 60 to col.

7: 14; col. 7: 15-50.

It is herein understood that the advertisements (advertising objects having linked

images/graphics, audio and text), having CID codes or data elements embedded therein, are

transmitted from the transmission site to a plurality of subscribers' sites or display sites without

taking into consideration during the initial transmission the CIDs or codes (local conditions)

available at the Subscribers' sites (transmitting from the transmission site to a subscriber site

advertisements, having related CID codes or data elements, to a subscriber site and a plurality of

other subscriber sites or receivers without selectively transmitting particular ones of the

advertisements or advertising objects to particular ones of the receivers).

In summary, in the second preferred embodiment, predetermined codes are transmitted to

the display site/subscriber site and stored therein. Thereafter, commercials or advertisements

(advertising objects) are then sequentially transmitted to the display site prior to the time of their

intended use or display. Appropriate storage is provided at the display site to store one or more

of the commercials (a first group of commercials/advertisements) selected by matching a

commercial's CID with a locally stored CID. Through this process, a first group of

advertisements can be generated and stored locally for later retrieval and display. Further, a

broadcast with a break for a target commercial may be transmitted with codes in the break,

which triggers the retrieval and display of the stored or the first group of advertisements based on

a sequence or based on a CID match between a break CID or code and a stored

commercial/advertisement CID or code. For instance, if a match is found, between a code in the

break and a stored commercial code or only one related commercial is stored, then the

commercial is displayed one or more times, depending on whether a frequency code is included.

If a registration or certification code is included, then that code is returned upstream to the signal

origination site or transmission site when commercials are successfully played. The commercial

will then be replaced with another. If storage for multiple commercials is provided, they are

downloaded and used appropriately (Col. 7: 35-50; col. 9: 16-20; col. 4: 46-51).

(The latter reads on the steps of locally storing in memory at the subscriber site local

conditions or CID codes, i.e. sophistication information, compatibility information,

location/address information, receiving at the subscriber site advertisements/advertising objects,

having linked audio, text, images, graphics components or linked image objects, transmitted

from a transmission site and temporarily stored the received advertisements in RAM or cache

memory at the subscriber site, wherein the received advertisements having associated CID codes

or data elements embedded therewithin and wherein one or more selected received

advertisements (advertising objects), forming a first group, are permanently stored in the

memory at the subscriber site when there is a match between one or more previously and locally

stored CIDs or local conditions and one or more CID codes or data elements inserted in the

received advertisements (advertising objects) and the remaining of the transmitted/received

advertisements are ignored or discarded for being incompatible or not suitable for the subscriber

site and finally displaying the locally stored advertisements or first group of advertisements at

the subscriber site when a break or commercial spot, having an appropriate CID code, occurs

within a programming or broadcast/data stream played or displayed at the subscriber site or

display unit according to a certain sequence).

Therefore, the Applicant's request for allowance or withdrawal of the last Office Action

has been fully considered and respectfully denied in view of the foregoing response since the

Applicant's arguments as herein presented are not plausible and thus, the current **Office Action**

has been made Final.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

US 2002/0069413 to Levitan discloses a system using one-way TV channels to provide

access to Internet content which, unlike e-mail, is not intended for a particular person, but rather

for an audience. An Internet server at a television transmission center downloads Web pages

from Internet sites and retransmits them via a television network in broadcast manner to

simultaneously reach unlimited number of client computers. The server supplies client computers

in advance with a timetable listing each Web page scheduled for transmission along with time

and channel of the transmission so that client computers, having their individual selection lists,

could automatically download pages of interest. The system completely eliminates waiting time

downloading Web pages of user's choice whenever they are updated and instantly presents the

pages on request providing television quality of images, audio and video. In addition, the system

facilitates integration of television and Internet advertising.

USP 5, 412,416A to Nemirofsky discloses a system for providing a distribution network

for full motion video media, usually in the form of advertisements, allowing video programs to

be transmitted from a distribution center (DC) to a multitude of receiving sites (RS), typically

retail stores, dispersed over a wide geographic area. Preferably, programs are transmitted via

satellite (8) and are receivable via antennae (10) at the receiving sites (RS). Television monitors

(14) located at selected points in the receiving sites display the programs to an audience, which

usually will include shoppers in the course of shopping. The invention provides for

"customizing" video programs for particular target audiences or markets, such that the series of

programs played in one receiving site could be quite different from that played in another. The

distribution network provides automatic insertion of custom, store-specific video segments (22)

into a general, network-wide video program (20) without the need for operational involvement of

personnel at the receiving site (RS) through the use of control data encoded into the video signal

at the distribution center (DC). An insertion control unit (56) at each receiving site (RS) reads the

control data and switches a receiver (54) among channels carrying the network-wide program

(20) and market specific segments (22) according to the control data.

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication from the Examiner should be directed to

Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally

be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner

by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached

at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

11/21/07

JDJ

JEAN D. JANVIER
PRIMARY EXAMINER